

REMARKS

I. Introduction

Applicants would like to thank Examiner Nguyen for the indication of allowable subject matter recited by claim 5. In response to the Office Action dated January 7, 2005, Applicants have amended claim 1 so as to incorporate the allowable subject matter recited by claim 5. Also, Applicants have canceled claims 4 and 5, without prejudice or disclaimer, rendering the rejection thereto moot. Further, claims 1, 4, 6 and 8 have been amended in the manner consistent with the Examiner's suggestion so as to address the pending objections and rejections under 35 U.S.C. § 112, second paragraph. Support for these amendments can be found, for example, in Figs. 1 and 2, and at page 8, lines 5-25 of the specification. No new matter has been added.

For the reasons set forth below, Applicants respectfully submit that all pending claims are patentable over the cited prior art references.

II. The Rejection Of Claims 6 and 8 Under 35 U.S.C. § 112, Second Paragraph

Claims 6 and 8 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, the Examiner asserts that the "last seven lines" are unclear and confusing. In response, Applicants have deleted the foregoing claim language from the rejected claims. It is respectfully submitted that the claims, as amended, would be readily understandable by one of skill in the art, and therefore the foregoing claims are in compliance with the requirements of 35 U.S.C. § 112, second paragraph.

III. The Rejection Of Claims 1-4 and 7-8 Under 35 U.S.C. § 102

Claims 1-4 and 7-8 are rejected under 35 U.S.C. § 102(b) as being anticipated by USP No. 5,488,317 to Webster. In response, Applicants have amended claim 1 so to incorporate the allowable subject matter recited by claim 5, rendering the rejections to claim 1 and its dependent claim 6 moot. For the remaining claims, Applicants respectfully request further consideration for at least the following reasons.

In the pending rejection, the Examiner alleges that "because the recited frequency divider circuit is not part of the duty cycle correction circuit recited in the preamble of claim 1, no patentable weight is given (see, page 4, last 2 lines of Office Action)." Although the Applicants do not agree with the conclusion set forth above, as the "frequency divider circuit" is clearly drawn to a distinct *structural* feature of the present invention, in an effort to advance prosecution and gain immediate allowance, claim 2 has been amended to recite in-part "a 50% duty cycle clock-signal production circuit comprising a frequency divider circuit for producing the first clock signal."

Specifically, in accordance with one exemplary embodiment of the present invention, the duty cycle correction circuit 10A comprises a frequency divider circuit 100 utilized to generate the first clock signal CK1 (see, e.g., Figs. 1 and 7). In contrast, Webster is completely silent with regard to providing a frequency divider circuit, let alone one that produces a first clock signal as recited by amended claim 2.

Accordingly, as anticipation under 35 U.S.C. § 102 requires that each element of the claim in issue be found, either expressly described or under principles of inherency, in a single prior art reference, *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 218 USPQ 781 (Fed. Cir.

1983), and at a minimum, Webster fails to disclose or suggest the foregoing claim elements, it is clear that Webster does not anticipate claim 2 or any of the claims dependent thereon.

IV. All Dependent Claims Are Allowable Because The Independent Claims From Which They Depend Are Allowable

Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as independent claim 2 is patentable for the reasons set forth above, it is respectfully submitted that all claims dependent thereon are also in condition for allowance.

V. Conclusion

Accordingly, it is urged that the application is in condition for allowance, an indication of which is respectfully solicited.

If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

Application No.: 10/713,162

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP


Michael E. Fogarty
Registration No. 36,139

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 MEF/AHC
Facsimile: 202.756.8087
Date: April 7, 2005

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